

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-00272-13-CR-SRB

CODY KING,

Defendant.

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of defendant Cody King, and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. A Superseding Indictment has been filed charging the defendant with Conspiracy to Distribute Methamphetamine and Fentanyl, in violation of 21 U.S.C §§ 841(a)(l) and (b)(l)(A).
2. The charge of conspiracy to distribute methamphetamine and fentanyl is a crime of violence under the Bail Reform Act. *See* 18 U.S.C. § 3142(f)(1)(A); *United States v. Shirley*, 189 F. Supp. 2d 966 (W.D. Mo. 2002) (adopting *United States v. Dillard*, 214 F.3d 88 (2d Cir. 2000)); *United States v. Strickland*, No. 12-00048-01-CR-W-HFS, 2012 WL 1980820, at *1 (W.D. Mo. May 7, 2012).
3. Based on this charge and the present motion, this Court "shall hold a hearing to determine whether any condition or combination of conditions ... will reasonably assure the appearance of such person as required and the safety of any other person and the community. 18 U.S.C. § 3142(f).

4. Under the Bail Reform Act, a defendant can be detained pending trial if “the government shows by clear and convincing evidence that no release condition or set of conditions will reasonably assure the safety of the community and by a preponderance of the evidence that no condition or set of conditions . . . will reasonably assure the defendant’s appearance” *United States v. Kisling*, 334 F.3d 734, 735 (8th Cir. 2003) (quoting *United States v. Orta*, 760 F.2d 887, 891 & n.20 (8th Cir. 1985) (en banc)).

5. In determining whether pre-trial detention is appropriate, the Court shall consider information concerning the nature and circumstance of the offense, the weight of the evidence against the defendant, the defendant’s history and characteristics, and the danger to any person or community posed by the defendant’s release. 18 U.S.C. § 3142(g).

6. Upon review of records, the defendant has the following convictions:

- On July 16, 2018, **KING** was convicted of trafficking drugs 2nd degree, a class B felony in Jackson County, Missouri. He was sentenced to 7 years in the Missouri Department of Corrections. .

7. The United States submits that there are no conditions which the Court could place on the defendant’s release which would reasonably assure the safety of the community by clear and convincing evidence and reasonably assure the defendant’s appearance by a preponderance of the evidence.

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant(s).

Respectfully submitted,

Teresa A. Moore
United States Attorney

By

/s/ Joseph M. Marquez

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on July 11, 2024, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/ Joseph M. Marquez
Joseph M. Marquez
Assistant United States Attorney